

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24030 of 2004

Between:

P. Chengaiah, S/o. Late Krishnaiah,
R/o. Hameed Nagar, Utugunta, Tirupathi, Chittoor District.

..... PETITIONER

AND

- 1 Mandal Revenue Officer (Urban), Tirupathi (M), Chittoor District.
- 2 Commissioner, Tirupathi Municipality, Tirupathi (M), Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in insisting to vacate the petitioner from the house property bearing D.No. 1-4-473/D/1 situated in about 275 sq yards of site in Hameed Nagar of Tirupathi Town and Urban Mandal is illegal, irregular and violative of Art. 14 and 21 of the constitution of India and also the provisions of AP Municipalities Act and AP Land Encroachment Act and consequently direct the respondents not to dispossess him from the said property.

Counsel for Petitioner : Mr.SATYANARAYANA NIMMAGADDA

Counsel for Respondent No.1 : G.P. FOR REVENUE

Counsel for Respondent No.2 : Mr.S.I.NEWTON,

S.C. FOR MUNICIPALITY

The Court at the stage of admission made the following :

ORDER:

The petitioner, who is a Government Employee, states that his father occupied an extent of 275 square yards of government poramboke land in Hameednagar, Tirupati Town, which was assigned Door No. 1-4-473/D/1, and that similarly, his neighbours also occupied various extents. The petitioner states that in the said land, they constructed a thatched hut, and that it was destroyed in a fire accident, and thereafter, he constructed a house with zinc roof. While so, the petitioner states that when Tirupati Urban Development Authority and Superintendent of Juvenile Observation Home, Tirupati, attempted to interfere with his possession and enjoyment, he filed suits in O.S. Nos. 798 of 2000 and 1195 of 2001 on the file of the Principal Junior Civil Judge, Tirupati, for perpetual injunction and obtained decrees on 10-11-2003 and 28-11-2001. Now, the grievance of the petitioner is that the respondents without issuing any notice are trying to evict him from the land in question. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue for respondent No.1 and the learned Standing Counsel for the respondent No.2-Municipality.

According to the own admission of the petitioner, his father occupied the land in question, which is a government poramboke, and constructed house and is living therein. Since the petitioner is claiming to be in occupation of the government poramboke land for the last 40 years, and also claims to have obtained decrees from competent civil Court when Tirupati Urban Development Authority and the Superintendent of Juvenile Observation Home, Tirupati, any eviction of the petitioner from the land in question, shall only be after following the due process of law contemplated under the Land Encroachment Act, 1905 for eviction. Till then, status quo obtaining as on today shall be maintained. If the respondents have already followed the due process of law in the matter, they are at liberty to take steps to evict

the petitioner from the land in question.

With the above observation, the writ petition is dismissed. No costs.

N.V.RAMANA,J

23-12-2004

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 Mandal Revenue Officer (Urban), Tirupathi (M), Chittoor District.
- 2 Commissioner, Tirupathi Municipality, Tirupathi (M), Chittoor District.
3. 2 CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT).
4. 2 CD copies